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2-WAY COMPUTING INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

2-WAY COMPUTING, INC., a Nevada
corporation,

Plaintiff,

vs.

8X8, INC., a Delaware corporation,

Defendant.

Case No.: **2:15-cv-02228-GMN-CWH**

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND THE DEADLINES
TO FILE THE DISCOVERY PLAN AND
SCHEDULING ORDER, SERVE INITIAL
DISCLOSURES, SERVE
INFRINGEMENT CONTENTIONS, AND
RESPOND TO THE SECOND AMENDED
COMPLAINT**

(First Request)

1 Plaintiff 2-Way Computing, Inc. (“2-Way” or “Plaintiff”) and 8x8, Inc. (“8x8” or
2 “Defendant”) by and through their counsel, hereby file this Stipulation and [Proposed] Order to
3 Extend the Deadlines to File the Discovery Plan and Scheduling Order, Serve Initial Disclosures,
4 Serve Infringement Contentions, and Respond to the Second Amended Complaint. This request
5 is filed in compliance with LR IA 6-1, LR IA 6-2, and LR 7-1. The litigation of this matter will
6 be best served by the proposed extension. This is the first request to extend this deadline. This
7 request is not made after the deadline.

8 The reason for requesting the extension is that Plaintiff is currently in the process of
9 finalizing an agreement which will resolve the claims in this litigation against Defendant.
10 Plaintiff believes this agreement will be executed in the next two weeks and thereafter this case
11 can be dismissed.

12 Defendant first appeared in this litigation by way of a Motion to Dismiss filed on March
13 22, 2016. Plaintiff and Defendant held the conference required pursuant to Fed. R. Civ. P. 26(f)
14 telephonically on April 21, 2016. Pursuant to LR 26-1 a proposed Stipulated Discovery Plan and
15 Scheduling Order is currently due from the parties on May 5, 2016. In addition, pursuant to Fed
16 R. Civ. P. 26(a)(1)(C) the parties’ initial disclosures are also due on May 5, 2016. In addition,
17 pursuant to LPR 1-6 and 1-7 Plaintiff’s infringement disclosures and related document
18 production are also due on May 5, 2016. Finally, pursuant to Fed. R. Civ. P. 15(a)(3), Defendants
19 deadline to respond to the Second Amended Complaint filed is May 18, 2016.

20 The parties agree that the litigation in this matter will be best served by a two-week
21 extension to file the proposed Stipulated Discovery Plan and Scheduling Order, serve initial
22 disclosures, serve infringement contentions, and respond to the Second Amended Complaint as it
23 will allow Plaintiff the opportunity to finalize the agreement which will resolve the claims in this
24 litigation against Defendant.

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Accordingly, Plaintiff and Defendant respectfully request that the Court grant this request to continue the deadlines to file a proposed Stipulated Discovery Plan and Scheduling Order, serve initial disclosures, and serve infringement contentions until May 19, 2016 and to extend the deadline for Defendant to file a response to the Second Amended Complaint until June 1, 2016.

Dated: May 5, 2016

Respectfully submitted,

/s/ Mark Borghese
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/s/ Kelly H. Dove
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Attorneys for Plaintiff

ORDER

IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: May 6, 2016

CERTIFICATE OF SERVICE

I am a resident of Clark County, Nevada and am over the age of 18 years and not a party to the action. My business address is: 10161 Park Run Drive, Suite 150, Las Vegas, Nevada, 89145.

On **May 5, 2016**, I served this document on the parties listed on the attached service list via one or more of the methods of service described below as indicated next to the name of the served individual or entity by a checked box:

PERSONAL SERVICE: by personally hand-delivering or causing to be hand delivered by such designated individual whose particular duties include delivery of such on behalf of the firm, addressed to the individual(s) listed, signed by such individual or his/her representative accepting on his/her behalf. A receipt of copy signed and dated by such an individual confirming delivery of the document will be maintained with the document and is attached.

EMAIL: By transmitting a copy of the document to the electronic-mail address designated by the attorney or the party who has consented to such manner of service.

E-FILE: Automatically through the court's electronic filing system.

FAX SERVICE: by transmitting to a facsimile machine maintained by the attorney or the party who has consented to such manner of service.

MAIL SERVICE: by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada. I am readily familiar with the firm's practice of collection and processing correspondence by mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

I declare that under penalty of perjury under the laws of the State of Nevada that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Mark Borghese

An employee of BORGHESE LEGAL, LTD.

SERVICE LIST

ATTORNEYS OF RECORD	PARTIES REPRESENTED	METHOD OF SERVICE
Kelly H. Dove Snell & Wilmer LLP 3883 Howard Hughes Parkway, Suite 1100 Las Vegas, Nevada 89169	Attorneys for Defendant	<input type="checkbox"/> Personal service <input type="checkbox"/> Email <input checked="" type="checkbox"/> E-File <input type="checkbox"/> Fax service <input type="checkbox"/> Mail service